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March 31, 2021

Dan Byrnes
York County Clerk of Courts
York County Judicial Center
45 North George Street
York, PA 17401
Via email: DJByrnes@YorkCountyPA.gov

Re: Fee schedule

Dear Mr. Byrnes:

We are writing on behalf of the Pennsylvania NewsMedia Association (PNA) and the Reporters Committee for Freedom of the Press (RCFP). PNA is the statewide trade association representing the interests of print and digital media organizations in the Commonwealth, and one of PNA's primary missions is to protect the press's constitutional and statutory rights to gather and disseminate news. RCFP is a non-profit organization that provides pro bono legal representation, amicus curiae support, and other legal resources to protect First Amendment freedoms and the newsgathering rights of journalists across the country.

We are contacting you about the York County Clerk of Courts fee schedule. According to the York County Clerk of Courts "Fines and Fees" webpage (last accessed March 29, 2021), copying fees are as follows:

COPIES:	Base Rate	Total Due
Per page	\$ 0.65	\$ 0.65
Certified Copy	\$ 12.00	\$ 12.00
Electronic Records on CD-ROM or DVD	\$ 17.00	\$ 17.00

The Public Access Policy of the Unified Judicial System of Pennsylvania (Section 6.0 "Fees") provides that fees for duplication or photocopying "shall not exceed \$0.25 per page." We have reviewed other county clerk fee schedules and Lycoming County Clerk of Courts Fee Schedule, attached, provides a good example of a policy that is consistent with the UJS Public Access Policy.

Turning to electronic records on CD-ROM, DVD, or provided via email, the AOPC policy is clear that fees must be "reasonable." The Office of Open

Records provides a helpful framework for analyzing reasonable fee structures. For instance, records delivered via Email or Other Electronic method – no additional fee; CD/DVD – up to actual cost, not to exceed \$1.00 per disc.

We respectfully request that your office revise its copying fee schedule to align with the UJS Public Access Policy. The common law and both the Pennsylvania and U.S. Constitutions afford members of the press and public a presumptive right of access to judicial proceedings and records. Courts and related offices have an obligation to facilitate the exercise of that right of access and not create unreasonable financial impediments to the public's right to know.

We would appreciate your response to our inquiry by April 9, 2021.

Thank you for your time and attention to this matter.

Sincerely,

/s/Melissa Bevan Melewsky
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/s/Paula Knudsen Burke
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Cc: York County Clerk of Courts solicitor Stephen McDonald (via email)
Stacey Witalec, AOPC communications director (via email)